



Getting It Right

Extra help for children in DCS custody

Who can file a TennCare appeal for a child or youth in DCS custody?

- Youth in DCS custody can file an appeal for themselves
- The biological parent or other adult relative involved in the child's life
- The foster parent
- The guardian ad litem or Child's attorney
- The residential provider
- DCS workers
- TennCare Consumer Advocates
- Other Advocates for the child

What kinds of DCS placements can be appealed?

- The level of care (Level 2, 3, or 4) that is proposed.
- Residential treatment proposed.
- Placement in medically fragile foster homes.
- Placement in therapeutic foster homes
- Placement in a "continuum" program.

If you don't know whether you can file a TennCare appeal about a certain kind of DCS placement, call one of the numbers below or on the appeal form for help.

What happens if the TennCare appeal goes to a hearing?

- DCS will make a referral for a Legal Aid attorney to represent the child for free, unless there is another attorney willing to represent the child.
- If your appeal is for emergency care, an attorney will be appointed before your appeal gets to the hearing stage.
- The Legal Aid attorney will bill DCS, not the child or the parents. But the CHILD is the Legal Aid attorney's client, not DCS. The Legal Aid attorney should talk to the child about his or her medical care, and help the child get the care he or she needs.
- The Legal Aid attorney may need to talk to the adults who are involved in your life such as your biological parent or legal guardian, foster parents, and residential provider.

TennCare Appeal Rights for youth in DCS Youth Development Centers

While youths are in YDCs, TennCare eligibility is put on hold. DCS pays for the youth's medically necessary health care while in the YDC, not TennCare. Once out of the YDC, TennCare eligibility is started again. But there are three (3) limited cases where youths can still file a TennCare appeal while in the YDC:

- If you paid for something TennCare should have covered before the youth was placed in a YDC, you can file an appeal for TennCare to pay you back.
- If the youth still needs a health care service that he or she should have gotten before he or she went to the YDC, and the youth is not getting it in the YDC, you can file a TennCare appeal to get the TennCare covered service.
- If the youth is within 45 days of discharge from the YDC and a TennCare service that is needed after the youth leaves the YDC is not available or delayed, you can file a TennCare appeal if waiting on this service is keeping the youth in the YDC. This may include times when the youth is waiting in a YDC because the place where the youth is supposed to go is full.

A TennCare Appeal cannot be used to:

- Challenge placement in a YDC unless within 45 days of discharge and place where supposed to step down is full. Instead, talk to your treatment team at the YDC or the attorney for students at the YDC.
- Get out of DCS custody. Custody is a matter for the juvenile court. Talk to your guardian ad litem or lawyer. If you don't have a GAL or lawyer, ask your DCS Worker about getting one appointed for you.
- Change between DCS foster homes. Talk to your DCS Worker, their supervisor, or your guardian ad litem. You can also call 1-800-861-1935 for complaints or problems you are having with DCS. Call 1-877-237-0004 to report child abuse.

Where can you get help obtaining TennCare services for a child or youth in DCS custody? What about help with filing a TennCare appeal?

- A DCS Family Services Worker
- DCS Well Being Staff Members
- TennCare Solutions Unit, 800-878-3192
- TennCare Consumer Advocacy, 877-857-7856

